



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/091,248

03/05/2002

Maria Rene Ebling

YOR920010659US1

6737

7590

12/13/2005

Ryan, Mason & Lewis, LLP  
90 Forest Avenue  
Locust Valley, NY 11560

EXAMINER

AU, SCOTT D

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/091,248	EBLING ET AL.	
	Examiner	Art Unit	
	Scott Au	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This communication is in response to applicant's response to an Amendment, which is filed September 6, 2005.

An Amendment to the claims 1-27 have been entered and made of record in the Application of Ebling et al. for a "Method and apparatus for providing dynamic user alert" filed March 5, 2002.

Claims 1-30 are pending.

The new claims 28-30 are introduced.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-10,12-16, and 20-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motohashi (US# 5,815,081) in view of Murray et al. (US# 5,646,589) and further in view of Parvulescu et al. (US# 6,687,497).

Referring to claims 1,12 and 23, Motohashi discloses a method of providing a dynamic alert indication to a user of a signal receiving device, the method comprising the steps of (col. 1 lines 64-67; see Figure 1):

transmitting a signal from a signal transmitting device to a signal receiving device (col. 2 lines 36-44; see Figure 1);

processing the signal to determine at least one mode to be associated with an alert indication, wherein the processing step includes the step of accessing a look-up table containing information associated with a user of the signal receiving device to determine the at least one mode to be associated with the alert indication (col. 3 line 44 to col. 4 line 19; see Figures 1-4); and

receiving the signal from a signal transmitting device in the signal receiving device, wherein the signal alerts the user of the signal receiving device via the alert indication that the signal has been received by the signal receiving device (col. 3 line 44 to col. 4 line 19; see Figures 1-4); wherein context is also useable to automatically modify at least one of an operating mode associated with the signal receiving device and an alert indication mode associated with a signal intended fro the signal receiving device, upon the signal receiving device being present in an environment that warrants mode modification (i.e. there are no hands involved, the CPU 17 is automatic made the decision of the alert indication of the receiving signal (col. 3 line 44 to col. 4 line 19).

However, Motohashi did not explicitly disclose that evaluating context provided by the environment that the user is in and is an environment-appropriate mode; and wherein the receiving signal is independent of at least an identity of the user of the

signal receiving device, upon the signal receiving device being present in an environment that warrants mode modification.

In the same field of endeavor of alerting system, Murray et al. discloses the alerting mode that evaluating context provided by the environment that the user is in (col. 3 lines 10-58; see Figure 2).

One of ordinary skill in the art understands that alerting mode that evaluating context provided by the environment that the user is in of Murray et al. is desirable in the paging system of Motohashi because Motohashi suggests a radio paging receiver has a function which is called a call condition indicating codes relating to the call condition indicating function (col. 2 lines 36-67) and Murray et al. disclose if the pager senses the ambient sound level exceeds a predetermined threshold, a tactile alert is issued (col. 3 lines 42-55; see Figure 2, at step 215). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include alert message to the receiver of Murray et al. in the paging system of Motohashi with the motivation for doing so would allow notifying the user of the incoming message.

However, Motohashi in view of Murray et al. did not explicitly disclose wherein the context is independent of at least an identity of the user of the signal receiving device.

In the same field of endeavor of paging system, Parvulescu et al. discloses wherein the context is independent of at least an identity of the user of the signal receiving device (col. 2 line 60 to col. 3 line 15 and col. 3 line 51 to col. 4 line 40) in order to disable device 14.

One of ordinary skill in the art understands that the context is independent of at least an identity of the user of the signal receiving device of Parvulescu et al. is desirable in the communication Motohashi in view of Murray et al. because Motohashi suggests a radio paging receiver has a function which is called a call condition indicating codes relating to the call condition indicating function (col. 2 lines 36-67), Murray et al. disclose the pager alert an audio sound if the pager is not located with the user (col. 3 lines 30-41) and Parvulescu et al. suggest the RF transmitter 16 located in a stationary zone or environment, such as an emergency room of a hospital or a secure facility, in which all communication devices 14 are to be disabled; in this type of stationary environment, trigger signal 15 would be continuously generated by electric system 20. Weak RF signal 18 and weak RF field 19 are broadcast by the RF transmitter 16 in such a manner that the weak RF field 19 may be received by communication device 14 within the environment but not by a communication device outside the environment (col. 2 line 60 to col. 3 line 15 and col. 3 line 51 to col. 4 line 40). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include the context is independent of at least an identity of the user of the signal receiving device of Parvulescu et al. in the communication system of Motohashi and Murray et al. with the motivation for doing so would enhance public safety.

Referring to claim 2-4, Motohashi in view of Murray et al. and Parvulescu et al. disclose the method as cited in claim 1, Motohashi discloses wherein the mode of the

Art Unit: 2635

alert indication is at least one of audible (24) (i.e. loudspeaker for produce melody ring tone) and non-audible (23,25) (i.e. LED, vibrator) (col. 3 line 22 to col. 4 line 20; see Figures 1 and 3-4).

Referring to claim 5, Motohashi in view of Murray et al. and Parvulescu et al. disclose the method as recited in claim 1, Motohashi discloses wherein the mode of the alert indication is suggested by a sender of the signal (col. 1 lines 51-52).

Referring to claim 6, Motohashi in view of Murray et al. and Parvulescu et al. disclose the method as recited in claim 1, Motohashi discloses wherein the accessing step occurs within the signal receiving device (col. 3 lines 44-57).

Referring to claim 7, Motohashi in view of Murray et al. and Parvulescu et al. disclose the method as recited in claim 1, Motohashi discloses further comprising the step of evaluating the signal to determine its relative importance based on content of the signal (col. 2 lines 5-67).

Referring to claim 9, Motohashi in view of Murray et al. and Parvulescu et al. disclose the method as recited in claim 1, Motohashi discloses wherein the environment that the user is in is a context service environment (col.3 lines 44-67).

Referring to claim 10, Motohashi in view of Murray et al. and Parvulescu et al. disclose the method as recited in claim 1, Motohashi discloses wherein the signal receiving device comprises one of a cellular telephone, personal digital assistant, and a pager (i.e. radio paging receiver) (col. 2 lines 36-44).

Referring to claim 24, Motohashi in view of Murray et al. and Parvulescu et al. disclose the method as recited in claim 23, Motohashi discloses wherein the preferred mode of alert indication comprises a non-audible (23,25) (i.e. LED, vibrator) mode of alert (col. 3 lines 23-42).

Referring to claim 25, Motohashi in view of Murray et al. and Parvulescu et al. disclose the method as recited in claim 23, Motohashi discloses wherein the environment that the user is in is a context service environment (col.3 lines 44-67).

Referring to claim 26, Motohashi in view of Murray et al. and Parvulescu et al. disclose the method as recited in claim 23, Motohashi discloses wherein the processing step determines that no mode of alert indication may be utilized by the signal receiving device while within the environment (col. 4 lines 44-57).

Referring to claim 27, Motohashi in view of Murray et al. and Parvulescu et al. disclose the method as recited in claim 23, Motohashi discloses further comprising the



step of blocking transmissions to and from the signal receiving device wherein a blocking instruction is determined during the processing step (col. 4 lines 44-57).

Referring to claim 13, Motohashi discloses a method of sending a message and providing a dynamic alert indication therewith, the method comprising the steps of: identifying a recipient of the message (col. 1 lines 64-67; see Figure 1); accessing a database to determine the recipient's alert indication preferences (col. 2 lines 36-50); transmitting the message and alert indication to the user device (col. 2 lines 51-68; see Figure 2, shows format include message "M" and code function "C" ); wherein context is also useable to automatically modify at least one of an operating mode associated with the signal receiving device and an alert indication mode associated with a signal intended fro the signal receiving device, upon the signal receiving device being present in an environment that warrants mode modification (i.e. there are no hands involved, the CPU 17 is automatic made the decision of the alert indication of the receiving signal (col. 3 line 44 to col. 4 line 19).

However, Motohashi did not explicitly disclose that evaluating context provided by the environment that the user is in and is an environment-appropriate mode; and wherein the receiving signal is independent of at least an identity of the user of the signal receiving device, upon the signal receiving device being present in an environment that warrents mode modification.

In the same field of endeavor of alerting indicating system, it is obvious that Murray et al. in view of Parvulescu et al. further disclose evaluating context provided by

Art Unit: 2635

the environment that the user is in and is an environment-appropriate mode; and wherein the receiving signal is independent of at least an identity of the user of the signal receiving device, upon the signal receiving device being present in an environment that warrants mode modification for the same reason with respect to claims 1, 12 and 23 above.

Referring to claim 14, Motohashi in view of Murray et al. and Parvulescu et al. disclose a method of claim 13, Motohashi discloses further comprising the step of determining whether the recipient of the message subscribes to a database system which records the recipient's alert indication preferences (col. 3 line 59 to col. 4 line 19).

Referring to claim 15, Motohashi in view of Murray et al. and Parvulescu et al. disclose a method of claim 13, it is inherent that Motohashi discloses further comprising the step of transforming the message prior to transmitting the message (col. 3 lines 1-10) and the receiver demodulating the signal.

Referring to claim 16, Motohashi in view of Murray et al. and Parvulescu et al. disclose a method of claim 13, motohashi discloses further comprising the step of determining the context of the recipient prior to transmitting the message (i.e. see Abstract).

Referring to claim 20, Motohashi discloses an apparatus for providing a dynamic alert indication to a user of a communication device, the apparatus comprising: storage unit (15,18) (i.e. see Figure 1) containing information associated with the user of the communication device (col. 2 lines 45-67)); a processor for processing a signal from a transmitter to determine an environment-appropriate mode of an alert indication based on at least a portion of the information contained in the storage (col. 3 lines 44-67).

However, Motohashi did not explicitly disclose that evaluating context provided by the environment that the user is in and is an environment-appropriate mode; and wherein the receiving signal is independent of at least an identity of the user of the signal receiving device, upon the signal receiving device being present in an environment that warrants mode modification.

In the same field of endeavor of alerting indicating system, it is obvious that Murray et al. in view of Parvulescu et al. further disclose evaluating context provided by the environment that the user is in and is an environment-appropriate mode; and wherein the receiving signal is independent of at least an identity of the user of the signal receiving device, upon the signal receiving device being present in an environment that warrants mode modification for the same reason with respect to claims 1,12 and 23 above.

Referring to claim 21, Motohashi in view of Murray et al. and Parvulescu et al. disclose the apparatus as cited in claim 20, Motohashi discloses wherein the storage unit is in the communication device (i.e. see Figure 1).

Referring to claim 22, Motohashi in view of Murray et al. and Parvulescu et al. disclose the apparatus as cited in claim 20, it is inherent that Motohashi discloses wherein the storage unit is in a service provider (11) (i.e. base station) infrastructure (col. 9 lines 49-59).

Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motohashi (US# 5,815,081) in view of Murray et al. (US# 5,646,589), Parvulescu et al. (US# 6,687,497) and further in view of Okuda et al. (US# 6,262,657).

Referring to claim 28, Motohashi in view of Murray et al. and Parvulescu et al. disclose the method of providing a dynamic alert indication to a user of a signal receiving device, to the extent as claimed with respect to claim 1 above. However, Motohashi in view of Murray et al. and Parvulescu et al. did not explicitly disclose further wherein at least a portion of the context is provided to at least another entity.

In the same field of endeavor of communication system, Okuda et al. teach wherein at least a portion of the context is provided to at least another entity (col. 1 lines 48-57).

One ordinary skill in the art understands that at least a portion of the context is provided to at least another entity of Okuda et al. is desirable in the communication system of Motohashi in view of Murray et al. and Parvulescu et al. because Parvulescu et al. suggest the RF transmitter 16 located in a stationary zone or environment, such

Art Unit: 2635

as an emergency room of a hospital or a secure facility, in which all communication devices 14 are to be disabled; in this type of stationary environment, trigger signal 15 would be continuously generated by electric system 20. Weak RF signal 18 and weak RF field 19 are broadcast by the RF transmitter 16 in such a manner that the weak RF field 19 may be received by communication device 14 within the environment but not by a communication device outside the environment (col. 2 line 60 to col. 3 line 15 and col. 3 line 51 to col. 4 line 40) and Okuda et al. suggest a receiving/sending unit 102 provided within a given facility, such as a hospital, or within a vehicle detects a radio signal indicating the content of a telephone call from a cellular telephone 103 or a radio signal sent from the cellular telephone 103 to a base station to indicate its existence, a microcomputer 104 makes a judgment that the cellular telephone 103 is in a condition in which it can transmit or a condition in which it can receive (col. 1 lines 48-56; see Figure 20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include at least a portion of the context is provided to at least another entity of Okuda et al. in the communication system of Motohashi in view of Murray et al. and Parvulescu et al. with the motivation for doing so would allow the secure and safety of the particular environment.

Referring to claim 29, Motohashi in view of Murray et al., Parvulescu et al. and Okuda et al. disclose the method of claim 28, Okuda et al. disclose wherein the at least another entity comprises a context service (i.e. base station is a context service) (col. 1 lines 48-65).

Referring to claim 30, Motohashi in view of Murray et al., Parvulescu et al. and Okuda et al. disclose the method of claim 28, Okuda et al. disclose wherein the at least another entity comprises another component in a frastructure in which the signal receiving device (i.e. the speaker receive the signal from the base station 102) resides (col. 1 lines 48-65).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ishii (US# 4,644,350) discloses a pager comprising a light sensor which is responsive to light externally illuminating the pager to generate a first signal when the sensed light is below a predetermined luminance value.

Any inquiry concerning this communication or earlier communications form the examiner should be directed to Scott Au whose telephone number is (571) 272-3063. The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached at (571) 272-3068. The fax phone numbers for the organization where this application or proceeding is assigned are (571)-272-1817.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

SA  
12/3/05

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

